



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,982	08/13/2001	Jonathan Leblang	AMAZON.062A1	7735
20995 7590 05/07/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER BORLINGHAUS, JASON M	
			ART UNIT 3693	PAPER NUMBER
			NOTIFICATION DATE 05/07/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

**Office Action Summary**

Application No.

09/928,982

Applicant(s)

LEBLANG ET AL.

Examiner

Jason M. Borlinghaus

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 and 47-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 and 47-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :2/15/07; 8/03/06; 8/03/05; 10/01/02; 6/17/02; 5/20/02; 8/13/01.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Claims 1 – 36 and 42 – 53 in the reply filed on 1/16/2007 is acknowledged.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 1, 5 and 13** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Regarding Claim 1**, Claim 1 states “transferring funds from the visitor to a payee associated with the pay page.” After consultation with fellow examiners, it has been determined that such language should indicate the transfer of funds from a visitor account to a payee account associated with the pay page, or similar language to that effect, as the fund transfer is not taking place between two individuals but between the electronic accounts of two individuals.

**Regarding Claim 5**, Claim 5 states a system “wherein at least some of the pay pages are adapted for making general purpose payments.” Examiner is unsure in what regards the “general purpose payments” is different than payments per se.

**Regarding Claim 13**, Claim 13 states “server dynamically generates” images. Examiner is unsure in what regards “dynamically generates” differs from generates.

Please examine all claims and, where required, correct appropriately.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1- 36, 47 – 49 and 53** are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin (US Patent 6,336,105) in view of Gralla (Gralla, Preston. *How The Internet Works. Millennium Edition. Que.* 1999. pp. vi – 324) and Official Notice.

**Regarding Claims 1 – 19**, Conklin discloses a server system for providing a user-to-user to user payment service comprising:

- a pay page (webpage) generation module (application) which provides functionality for payees (sellers) to generate their own pay pages (remote

- authoring of website) for receiving payments from other users (buyers). (see col. 19, lines 1 – 10; col. 27, lines 6 – 24; ; fig. 4a – 4b; fig. 10-3);
- a repository (database/servers) of payee-specific (seller-specific) pay pages generated using the pay page generation module (remote authoring capabilities), wherein the pay pages include functionality for allowing pay page visitors (buyers) to enter payment amounts (desired price) and to initiate payments to corresponding payees (sellers). (see fig. 1 & 7; col. 19, lines 47 – 52; col. 27, lines 6 – 24);
  - a transaction processing module (application) which is responsive to a payment request initiated by a visitor (buyer) of a pay page (webpage) by transferring funds from the visitor (buyer) to a payee (seller) associated with the pay page (webpage). (see col. 4, line 62 – col. 5, line 3; fig. 7);
  - wherein the pay page generation module includes functionality for payees (sellers) to specify suggested payment amounts (catalog prices) to be displayed in their pay pages (web pages) and used as default (catalog) payment amounts. (see fig. 1, 7 & 31b; col. 19, lines 47 - 52);
  - wherein the pay page (web page) generation module (application) includes functionality for a payee (seller) to specify a textual message (“Exports, Inc....”) and an image (buttons) to be displayed within a pay page (webpage). (see col. 27, lines 6 – 24; fig. 31a – 31b)

- wherein the pay page (webpage) generation module includes functionality for a payee (seller) to specify a URL of an external page to be displayed to a visitor upon completion of payment. (see fig. 17 – 19);
- wherein at least some of the pay pages (web pages) are adapted for making general purpose payments (payments). (see fig. 7);
- further comprising a payment request module which provides functionality for generating and sending a payment request email message to a payer (fig. 11a) in response to payment request information (acceptance) entered by a payee (seller), wherein the email message includes a link (URL) to a pay page (web page) of the payee and includes at least one parameter specifying how the pay page (web page) is to be customized for the payer (such as retrieving payer-specific payment documentation). (see fig. 7; fig. 11a-1 – 11a-3; fig. 16 - 18; col. 26, line 56 – col. 27, line 5);
- further comprising a plurality of pay page (web page) templates used by the pay page (web page) generation module to generate pay pages (web pages), wherein each pay page template specifies a pay page layout and behavior. (see col. 27, lines 6 – 24).
- further comprising a pay page (web page) display module (application) which customizes the display of the pay pages (web pages) in response to page requests from visitors. (based upon request of requestor, such as selection of a hyperlink). (see col. 32, lines 39 – 53);

- wherein the pay page (webpage) display module is responsive to a parameter (visitor selection) passed to the server system with a visitor request for a pay page (webpage) by customizing the pay page (webpage) according to the parameter (selection) wherein the parameter is a payment amount to be displayed within the pay page (webpage). (see fig. 32);
- further comprising: a pay box (hyperlink) generation module (application) which provides functionality for a payee (sellers) to remotely generate a pay box (hyperlink) to be installed within external web pages (external website) to provide a link to a pay page (community webpage) of the payee (seller), wherein the pay box (hyperlink) includes a display object (images/buttons). (see col. 22, lines 44 – 58; col. 27, 8 – 15; col. 32, lines 39 – 53);
- and an object server (server) that dynamically generates and serves the display object (images/buttons) for display within the external web pages (external website), wherein the object server (server) customizes the pay box display objects for visitors (retrieves based upon request of requestor). (see col. 27, 8 – 15; col. 32, lines 39 – 53);
- wherein the pay box (hyperlink) generation module (application) automatically generates a code sequence (HTML code) which may be incorporated into an external web page (external webpage) to install a pay box (hyperlink). (see col. 22, lines 44 – 58; col. 27, 8 – 15; col. 32, lines 39 – 53);
- further comprising a link (hyperlink) generation module (application) which provides functionality for payees (sellers) to define links (hyperlinks) to their



respective pay pages (webpages) and to make such links (hyperlinks) available, via the server system, to locate and install within external web pages (external websites). (see col. 22, lines 44 – 58; col. 27, 4 – 24; col. 32, lines 39 – 53);

- further comprising a link (hyperlink) generation module (application) which generates a link (hyperlink) to a payee's pay page (web page) for incorporation into an external web page (external website), wherein the link (hyperlink) generation module (application) provides an option (selection) for the payee (seller) to specify at least one type of parameter (template feature) for customizing (remote authoring) the pay page (web page) for visitors that access the pay page (web page) from the link (hyperlink). (see col. 22, lines 44 – 58; col. 27, 4 – 24; col. 32, lines 39 – 53); and
- wherein at least one of the pay pages (web page) is provided in association with a work (product) of the payee (seller) to permit consumers of the work to make voluntary payments to the payee. (see col. 5, line 60 – col. 6, line 5).

Conklin does not teach a system wherein the pay page generation module includes functionality for a payee to specify a display color of the pay page; wherein the pay page display module displays, for at least some recognized visitors to a pay page, an indication of a single action that is to be performed by the visitor while viewing the pay page to cause the payee to be paid; wherein the pay page display module is responsive to a parameter passed to the server system with a visitor request for a pay page by customizing the pay page according to the parameter; wherein the pay page

Art Unit: 3693

generation module provides an option for payees to display real time payment counters within their pay pages; nor wherein the pay box generation module automatically incorporates an associate identifier into the code sequence, and wherein the transaction processing module uses the associate identifier to track resulting referrals of visitors from a web site of a third party associate.

Gralla discloses a system wherein the webpage display module displays, for at least some recognized visitors to a webpage (such as by cookie or an e-wallet), an indication of a single action (submit button) that is to be performed by the visitor while viewing the webpage to cause the seller to be paid (see pp. 264 – 268); wherein the webpage display module is responsive to a parameter (such as a cookie, e-wallet of passport), passed to the server system with a visitor request for a webpage by customizing the webpage (such as auto-filling information) according to the parameter (see pp. 264 – 268; 290 – 297); and wherein the module includes within the coding an identifier (cookie) of the user, and the transaction processing module uses the identifier (cookie) to track resulting referrals (“where people come to the site from”) of visitors to a corresponding webpage. (see pp. 260 –269; 290 – 297).

Examiner takes **Official Notice** that web page generation applications inclusion of a functionality for a designer to specify a color of the web page; utilization of real-time counters, such as the number of website visitors or funds raised, located within a webpage; and the payment of a fee for referrals and commissions, in the brick-and-mortar world and online, and the tracking of such referrals by identifiers to enable such

payment of a fee, are all old and well known in the arts of online environments and e-commerce.

It would have been obvious to one of ordinary art at the time the the invention was made to have modified Conklin by incorporating the methodologies, as disclosed by Gralla and otherwise old and well known in the art, to utilize methodologies and technologies that are standard and conventional in the construction, operation and management of an online environment.

**Regarding Claims 20 – 36**, such claims recite similar limitations as claimed in previously rejected claims, would have been obvious based upon previously rejected claims, or are otherwise disclosed by the prior art applied in previously rejected claims. Such claim limitations are therefore rejected using the same art and rationale as previously utilized.

**Regarding Claims 42 - 49 and 53**, such claims recite similar limitations as claimed in previously rejected claims, would have been obvious based upon previously rejected claims, or are otherwise disclosed by the prior art applied in previously rejected claims. Such claim limitations are therefore rejected using the same art and rationale as previously utilized.

Furthermore, as to differing claim limitations, Examiner takes Official Notice that prompting a visitor to sign-in or log-in to a website or an online service; and requesting payment to have access to content or provision of services are old and well known in the art of the arts of online environments and e-commerce.

It would have been obvious to one of ordinary art at the time the the invention was made to have modified Conklin, Gralla and Official Notice by incorporating the methodologies, otherwise old and well known in the art, to utilize methodologies and technologies that are standard and conventional in the construction, operation and management of an online environment.

**Claims 50 – 52** are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin, Gralla and Official Notice as applied to Claim 42 above, and further in view of Boykin (PG Pub 2001/0042048).

Conklin does not teach a system wherein the service provider site stores a copy of the work, and provides a service for users to locate and republish the work as associates of the creator; wherein the content provider web site hosts multiple versions of the work at respective destinations, and the service provider site directs a browser of a visitor to a selected one of the destinations based on a rating of the visitor, wherein the rating is based at least in-part upon a payment history of the visitor; nor wherein the service provider site calculates the rating based upon at least one of the following: (a) frequency with which visitor makes honor system payments when requested; and (b) payment amounts of voluntary payments made relative to amounts suggested.

Boykin discloses a system:

- wherein the service provider site (server) stores a copy of the work (digital audio recording), and provides a service for users to locate (download from

Art Unit: 3693

server) and republish (copy and distribute) the work as associates of the creator. (see col. 1, para. 13);

Examiner takes **Official Notice** that a content provider hosting multiple versions of the work at respective destinations, such as mirror sites; and directing a visitor to a site based upon their rating or access privileges are old and well known in the arts of online environments and e-commerce.

It would have been obvious to one of ordinary art at the time the time the invention was made to have modified Conklin, Gralla and Official Notice by incorporating the methodologies, otherwise old and well known in the art, to utilize methodologies and technologies that are standard and conventional in the construction, operation and management of an online environment.

Examiner takes Official Notice that basing a user rating upon the frequency and amounts of payments said user has made, either as a shopper or a charitable donor, is old and well known in the art of such as operations research and marketing.

It would have been obvious to one of ordinary art at the time the time the invention was made to have modified Conklin, Gralla and Official Notice by incorporating the methodologies, otherwise old and well known in the art, to utilize methodologies and technologies that are standard and conventional in the construction, operation and management of an online environment.

**Examiner's Note:** The Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant.

Art Unit: 3693

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Borlinghaus whose telephone number is (571) 272-6924. The examiner can normally be reached on 8:30am-5:00pm M-F.

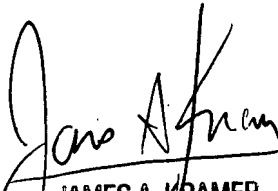
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Art Unit: 3693

Customer Service Representative or access to the automated information system, call  
800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMB

May 2, 2007

 5/4/07  
JAMES A. KRAMER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600